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**AFFIDAVIT OF
GARY SPACKMAN**

STATE OF IDAHO)
): ss
County of ADA)

Gary Spackman, being first duly sworn, deposes and says:

1. My name is Gary Spackman, and I am the Bureau Chief of the Water Allocation Bureau of the Idaho Department of Water Resources (IDWR).

2. In my present position, I supervise Tim Luke, Section Manager for the Water Distribution Section, and also his staff. The Water Distribution Section oversees the administration of water rights in the state of Idaho. One of the duties of the Water Distribution Section is to assist watermasters within water districts to regulate water according to the laws of the state of Idaho and any rules that may govern the distribution of water within the water district.

3. In late 2004 and early 2005, I asked Tim Luke and his staff to compile and summarize instructions previously given to the Watermaster of Water District no. 34 (Big Lost River) and other water district officials. Steve Burrell of IDWR completed a document titled "Water District 34 Guidelines for Operation." A copy of the guideline document is attached.

4. The document titled "Water District 34 Guidelines for Operation" contains copies of instruction letters sent to the watermaster of Water District no. 34 that state IDWR interpretations of how the watermaster should perform his duties.

Dated this 22nd day of March, 2006.

Gary Spackman
Gary Spackman

SUBSCRIBED AND SWORN TO BEFORE ME THIS 22nd DAY OF
March, 2006

S. Shoma
NOTARY PUBLIC FOR IDAHO
Residing at: Boise
Commission expires 11-14-2010

